IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE CIVIL JURISDICTION

WRIT PETITION NO.5423 OF 2004

Gulam Rasool Mohammad Ibrahim).. Petitioner

Versus

Ramnagina Shirishram Jaiswal).. Respondent

Mr.Y.D.Mulani for the Petitioner.

CORAM: SMT.NISHITA MHATRE, J.

DATED: 23RD AUGUST 2004

P.C.:

. This Writ Petition challenges the Award dated 24th February 2004 passed by the Third Labour Court, Thane in Reference (IDA) No.479 of 2002 which has allowed the Reference by granting reinstatement with full back wages and continuity of service with effect from 18th February 2001. The case sought to be made out by the Petitioner is that the Labour Court had not considered the fact that there was no relationship of an employer and employee between the Petitioner and the Respondent workman since he was employed through a labour contractor. The second submission made is that the labour contractor had executed an agreement on a stamp paper on 17th March 2001 which was signed by the labour contractor and the Petitioner which indicated that there was in fact a labour contractor employed with the

company.

2. The Labour Court has considered both these submissions and has held that an employer-employee relationship did exist between the Petitioner and the workman. There is no dispute that the workman was employed from June 1999 onwards and the agreement has been signed only on 17th March 2001. This agreement, therefore, cannot cover the employment of the respondent workman. Furthermore, as a matter of fact, the Labour Court has held that there was an employer-employee relationship between the Petitioner and the workman.

3. The Labour Court has considered the fact that no documentary evidence was produced by the Petitioner either in the form of the muster rolls or wage registers. The Labour Court having accepted the evidence of the workman, I see no reason to interfere with the Award of the Labour Court. Hence, Writ Petition rejected.